

**No. 15-16440**  
**No. 15-16626**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**MANUEL DE JESUS ORTEGA MELENDRES, ET AL.,**

*Plaintiffs-Appellees*

**v.**

**JOSEPH M. ARPAIO,**

*Defendant-Appellant*

**and**

**DENNIS L. MONTGOMERY,**

*Putative Intervenor.*

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**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**2:07-cv-02513-GMS**

**The Honorable G. Murray Snow  
United States District Judge**

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**NON-OPPOSITION TO MOTION TO CONSOLIDATE APPEAL NOS.  
15-16440 AND 15-16626**

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Plaintiffs/Appellees do not object to Mr. Montgomery's motion to consolidate his two appeals, Nos. 15-16440 and 15-16626. The briefing schedule for the consolidated appeals should be that of No. 15-16626 (in which Appellees' answering brief is due on Jan. 20, 2016, pursuant to a streamlined extension request granted on November 30, 2015) in view of the need to consider Mr. Montgomery's briefing and record in the two appeals together.<sup>1</sup>

Dated: December 2, 2015

By /s/ Michelle L. Morin  
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<sup>1</sup> Appellant Dennis Montgomery filed an "Opposition to Streamlined Request for Extension of Time," Dkt. 21, after the extension of time had been granted. That opposition should be disregarded. The opposition erroneously states that Plaintiffs/Appellees' Answering brief would otherwise be due on December 21, 2015, which is incorrect, and cites to a scheduling order filed with respect to a separate appeal brought by Maricopa County, which has nothing to do with Montgomery's appeals. *See* No. 15-15996, Dkt. 21 (Oct. 26, 2015 Order granting Maricopa County's motion for extension of schedule); No. 15-16440 Dkt. 16 (revoking the October 26, 2015 scheduling order as to Montgomery's appeals). Montgomery's appeals are separate and distinct from Maricopa County's appeal, and involve different issues.

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### **CERTIFICATE OF COMPLIANCE**

I certify that pursuant to Fed. R. App. P. 27-1, the attached brief is in compliance with Fed. R. App. P. 27(d) and does not exceed 20 pages.

Date: December 2, 2015

/s/ Michelle L. Morin

MICHELLE L. MORIN

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Date: December 2, 2015

/s/ Michelle L. Morin

MICHELLE L. MORIN